

## **Management of Domestic Swimming Pools and Compliance Levels**

### **A comparison of approaches in three local government areas in NSW**

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Swimming pool fencing in various forms, has been a legal requirement in most Australian states and territories for at least the past ten years, however the compliance of domestic swimming pools with the requirements of this legislation remains an ongoing problem. Following the introduction of mandatory fencing laws across Australia, studies have consistently documented baseline swimming pool fencing compliance levels of 50% or less (1,2,3,4,) and local government authorities have demonstrated a poor track record in the initiation and maintenance of ongoing pool inspection programs.

The National Injury Prevention Advisory Council (1999) suggested that further reductions in the rate of child drowning could be gained by increasing the compliance of swimming pool fencing with legislative requirements, and also identified that “gaining the co-operation of local government in enforcing compliance with the legislation is an important component of efforts in this area.” (p.23) (5).

Before local government authorities can be practically assisted and encouraged to address the compliance levels of domestic swimming pools, it is essential that more is known about their existing management practices and the barriers which clearly impact on local councils’ capacity and motivation to implement inspection programs.

Three local councils in regional NSW participated in this study which compared their approaches to managing domestic swimming pools and the levels of compliance achieved in relation to the requirements of the current NSW Swimming Pools Act (1992). The three councils (referred to as Councils A, B and C), represented a small, medium and large local government area based on their residential populations. The study also included a survey of pool owner attitudes to pool fencing and inspections, and the trial of an outsourced non-council run inspection program in one local government area.

#### **Management Processes and Compliance Levels**

The management processes implemented within each of the three councils varied significantly, however a number of key processes presented as significant to the efficient management of domestic swimming pools and the resultant levels of compliance.

The current NSW Swimming Pools Act (1992) was a major influence on the way in which each Council interpreted their responsibilities and managed the inspection of domestic swimming pools. Quality information systems and the existence of a working pool register were important to the effective monitoring of pools and the co-ordination of inspection programs. Clear lines of managerial responsibility were important to ensure that priority was given to domestic swimming pool compliance programs and sufficient program resources were allocated for this purpose. Efficient enforcement protocols were important to the management of inspection program costs and to facilitate the achievement of compliance. Regular contact with pool owners during inspections was identified as

important for them to develop a practical understanding of the requirements of the Act and receive advice about adequate maintenance of their pool fences.

### **Council A**

Council A participated in the trial of an outsourced inspection program where a sample of pools were inspected by Royal Life Saving Society trained inspectors. At the first inspection, baseline compliance levels were 48.6% compliant and 51.4% non-compliant. There was a 55.5% conversion rate to compliant status in the sample of non-compliant pools when a second inspection was completed.

### **Council B**

Of the pools on Council B's register, 31.6% had "unknown" status, meaning inspections were still pending, leaving a remaining 66.2% compliant, and 2.2% non-compliant. However, when considering only the pools with "known" status, 96.8% were compliant and only 3.2% were non-compliant.

### **Council C**

At the first inspection, 45.7% of the pools were compliant and 54.3% were non-compliant.

### **Pool Owner Survey**

205 pool owners (20.5%) responded to a written survey and almost all (98.5%) were owner/occupiers of the property. Only 16% of respondents had children under the age of 5 years living at the residence, however 66% of respondents stated that children under the age of 5 years had visited their home in the previous six months. 77% of respondents had completed a resuscitation course, however, whilst 44% had completed it in the previous 1-3 years, 34% had completed a course more than 10 years ago.

95.6% of respondents reported having a fence surrounding their pool, and the same proportion believed that fencing should be required by law and supported council inspecting pools. The most commonly suggested timeframes for inspections were 1-2 yrs (40%) and every 5 years (23%).

### **Outsourced Inspections**

A trial inspection program, conducted by Royal Life Saving Society (RLSSA) trained inspectors, yielded both positive and negative outcomes as an inspection management option for Council A. Outsourced inspections have been implemented successfully in other locations including Western Australia (RLSSA) and by private contractors in the Noosa Shire, Queensland. This study did not draw any conclusions on the overall value of outsourced inspection programs, but rather described the experience and concluded that it may be an appropriate, workable option for other Councils depending on their individual situation.

### **Essential Elements for Best Practice**

Experienced local government inspectors and managers repeatedly identified the significant weaknesses and limitations of the current NSW Swimming Pools Act (1992) in ensuring the safety of domestic swimming pools and recommended its immediate review. It was felt that improving the legislation could singularly have the greatest impact on improving local government practice in relation to domestic swimming pool inspections and compliance levels. A number of other best practice elements for local government were identified.

- Recognised priority for a domestic swimming pool compliance program
- Clear lines of responsibility across and within relevant divisions of Council
- Project management and appropriate human, financial and IT resources allocated
- Electronic swimming pool register or database linked to a general property management system

- Efficient enforcement protocol, including the use of fines, fully endorsed by Council
- Comprehensive training of inspectors on the requirements and enforcement of the Act
- Annual quota of inspections completed
- Maximum 3-5 year inspection cycle
- Inspections conducted throughout the year and/or during a “blitz” period
- Inspection fee implemented to assist with program costs
- Pool owners present during inspections
- Strategies including booked appointments to deal with property access and pool owner awareness issues
- Use of inspection time for simple pool owner education initiatives
- Complementary local media campaign to raise community awareness of domestic swimming pool safety and drowning prevention measures
- Direct communication with pool owners via mail outs, etc.

### **Recommendations**

The recommendations arising from the study related to the NSW Swimming Pools Act (1992), inspection fees, database development, inspector training, inspection checklists, pool owner awareness strategies, and local government support strategies.

A complete copy of the final report will be available on the Safe Waters website at [www.safewaters.nsw.gov.au](http://www.safewaters.nsw.gov.au)

### **References**

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